

REMARKS

Claims 1-11 and 13-14 are pending in this application and have been rejected by the Examiner. Claim 12 was previously cancelled. Claims 15-30 were previously cancelled to remove the non-elected invention.

Rejection under 35 U.S.C. § 112, Second Paragraph

In the response to the final office action filed on August 4, 2009, the Examiner, in an Advisory Action, maintained the rejection of claims 1-10 and 13-14 under 35 U.S.C. § 112, first paragraph, arguing that the amendment may be new matter and a new search must be made with respect to the specific ester. Without agreeing as to the accuracy of the Examiner's statements, Applicants have amended claims 1 and 11 to remove "or C₁₋₄alkyl ester prodrug". As such, no new search is necessary and the amendment would render the rejection moot. Withdrawal of the rejection under this section is earnestly requested.

CONCLUSION

As the Examiner confirmed in a telephone conversation of August 26, 2009, to which Applicants thank the Examiner for her time and considerations, that the rejections under §§ 102, 203 and obviousness-type double patenting have been overcome, Applicants believe that the amended claims are now allowable. Expeditionous allowance is earnestly requested.

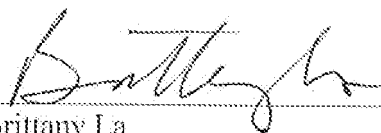
This submission is filed within three-months from the mailing date of the Final Office Action dated June 4, 2009, which response is due September 4, 2009. It is believed no fee, other than the fees for filing an RCE, is required. Should this be incorrect, the Commissioner is authorized to charge any additional fees, or credit any overpayment, to deposit account No. 50-4255.

Respectfully submitted,

Date

9/1/2009

By



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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/522,207
Filing Date	July 17, 2003
First Named Inventor	Mazher Hussein Ali et al.
Art Unit	1625
Examiner Name	Celia C. Chang
Attorney Docket Number	AC-22-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 CFR 1.17(j) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Brittany La</i>	Date	September 1, 2003
Name (Print/Type)	Brittany La	Registration No.	58,337

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Mary Jane Linn</i>	Date	September 1, 2003
Name (Print/Type)	Mary Jane Linn		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.